

NOT FOR PUBLICATION

**CLOSED**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

PATTY LEE SMITH, on behalf of herself )  
and others similarly situated, )  
   )  
   )  
Plaintiff,                                 ) Civil Action No.: 06-4787 (JLL)  
   )  
   )  
v.   )  
   )  
JOHNSON AND JOHNSON,                     )  
   )  
   )  
Defendant.                                 )  
   )

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**OPINION**

**LINARES, District Judge.**

This matter comes before the Court on Defendant Johnson & Johnson's ("Defendant") motion for summary judgment [CM/ECF #82], filed on May 23, 2008. Also before the Court at this time are Plaintiff Patty Lee Smith's ("Plaintiff") motion for conditional certification as a collective action [CM/ECF #85], Defendant's motion to strike Plaintiff's declaration [CM/ECF #97], Plaintiff's motion for leave to file certain exhibits to her reply brief (CM/ECF #122], and two motions by Plaintiff for leave to submit supplemental authority to the Court on cases from the District of Connecticut, the Western District of Washington, and the Northern District of Florida [CM/ECF #123 & #126]. Defendant has also filed informal requests for leave to file sur-replies that the Court will consider herein [CM/ECF #127 & #130]. No oral argument was held. Fed. R. Civ. P. 78. For the reasons set forth in the accompanying Opinion,

**IT IS** on this 30th day of December, 2008,

**ORDERED** that Defendant's motion to for summary judgment [CM/ECF #82] is hereby GRANTED; and it is further

**ORDERED** that Plaintiff's motion for collective certification, equitable tolling, and notice [CM/ECF #85] is hereby DENIED; and it is further

**ORDERED** that Defendant's motion to strike Plaintiff's declaration [CM/ECF #97] is hereby DENIED; and it is further

**ORDERED** that Plaintiff's motion to file certain exhibits to her reply brief [CM/ECF #122] is hereby GRANTED; and it is further

**ORDERED** that Plaintiff's motions to file supplemental authority [CM/ECF #123 & #126] are hereby DENIED; and it is further

**ORDERED** that Defendant's informal requests to file sur-replies [CM/ECF #127 & #130] are hereby DENIED.

DATED: December 30, 2008

/s/ Jose L. Linares  
United States District Judge